

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

STEELHEAD TOWNHOMES, L.L.C., ET AL.,

Respondents

v.

CLEARWATER 2008 NOTE PROGRAM, LLC, ET AL.

Appellants

DOCKET NUMBER WD78422

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: September 6, 2016

Appeal From:

Circuit Court of Cass County, MO
The Honorable William B. Collins, Judge

Appellate Judges:

Division Four
Mark D. Pfeiffer, C. J. Presiding, James Edward Welsh, and Edward R. Ardini, Jr., JJ.

Attorneys:

Jonathan Sternberg, Kansas City, MO

Counsel for Appellants

Attorneys:

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Counsel for Respondents
Co-Counsel for Respondents

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**STEELHEAD TOWNHOMES, L.L.C., ET AL., Respondents, v.
CLEARWATER 2008 NOTE PROGRAM, LLC, ET AL., Appellants**

WD78422

Cass County

Before Division Four Judges: Pfeiffer, C.J., Welsh, and Ardini, JJ.

Clearwater 2008 Note Program, LLC, appeals from the circuit court's judgment awarding Steelhead Townhomes, LLC, \$650,000 on its claims for breach of fiduciary duty and unjust enrichment. Clearwater contends that the circuit court erred (1) in entering judgment for Steelhead on its claim for breach of fiduciary duties because, as a lender, Clearwater owed no fiduciary duties to Steelhead as a borrower; (2) in entering judgment for Steelhead on its claim for unjust enrichment because an express contract between the two parties precluded recovery on a claim of unjust enrichment; and (3) in failing to find that Steelhead had breached its contract with Clearwater, entitling Clearwater to a judgment against Steelhead and its guarantors jointly and severally for \$304,890.51, plus interest and attorney fees.

Appeal Dismissed

Division Four holds:

A final judgment is a sine qua non to jurisdiction in the appellate court. No stipulation by the parties in this court that they abandoned claims not expressly addressed in the circuit court's judgment can provide an essential prerequisite to jurisdiction here. Therefore, because the circuit court has not resolved all of the issues as to all of the parties in this case or certified the case for appeal, we dismiss the appeal.

Opinion by James Edward Welsh, Judge

September 6, 2016

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